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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,964

01/14/2002

Scott Wilce

G08.005

2784

28062

7590

01/28/2008

BUCKLEY, MASCHOFF & TALWALKAR LLC  
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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/045,964

Applicant(s)

WILCE ET AL.

Examiner

BIJENDRA K. SHRESTHA

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 10, 17, 18, and 19 are rejected under 35 U.S.C. 102(e) as being unpatentable by Mills et al., U.S. Patent No. 7,024,386 (reference A in attached PTO-892).

3. As per claims 1, 10-13, 17, 18 and 19, Mills et al. teach a method for performing a netting analysis of netting agreement, the method comprising:

receiving netting agreement information, said netting agreement information identifying a party and a counterparty, and at least one term and fact, governing said netting agreement, the at least one term and fact of said netting agreement including at least one of: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, an industry code, automatic early termination language, a parent company country of organization, a parent company legal structure, and an automatic early termination payment (see column 3, lines 1-7; where netting terms between the parties may be per instrument basis or cross instrument basis and evaluated by settlement date, by time bucket or by total credit exposure);

comparing said at least one term and fact governing said netting agreement information with a netting rule that applies to the netting agreement (see column 3, lines 6-28; column 13, lines 4-17; Figs. 9-12); and

generating a netting determination indicative of an ability of the party and counterparty to net under said netting agreement based at least in part on a result of said comparing (see column 12, lines 63-67 to column 13, lines 1-3; Figs. 9-12).

4. As per claim 11, Mills et al. teach claim 10 as described above. Mills et al. further teach the method comprising:

identifying fact data associated with a second issue (see column 3, lines 6; where netting agreement is evaluated by time bucket);

applying a second netting rule to said fact data, said second netting rule selected based at least in part on said second issue; and generating a netting determination based at least in part on said application of said netting rule and said second netting rule (see column 3, lines 17-22).

5. As per claim 12, Mills et al. teach claim 11 as described above. Mills et al. further teach the method comprising:

identifying fact data associated with a third issue (see column 3, lines 6; where netting agreement is evaluated by total credit exposure);

establishing a new netting rule based at least in part on said fact data and said third issue; applying said new netting rule to said fact data; and generating a netting determination based at least in part on said application of said netting rule and said new netting rule (see column 3, lines 23-32).

6. As per claim 13, Mills et al. teach claim 10 as described above. Mills et al. further teach the method comprising:

calculating a new netting position between said contracting entity and said counterparty based on said netting agreement and a prior netting position (see Fig. 9-12).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. As per claims 2, 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al., U.S. Patent No. 7,024,386 (reference A in attached PTO-892) and in view of Shulman et al., U.S. Pub No. 2002/0152147 (reference B in attached PTO-892).

9. As per claims 2, and 8: Mills et al. fails to teach identifying a list of issues to evaluate for said agreement.

However, Shulman et al. teach a list of possible issues is provided to the user to assist the user in identifying issues that may be relevant to the stakeholders. (see paragraph [0046]).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Mills et al. to include the

step of Shulman et al. The motivation to combine these references is facilitate agreement evaluation.

10. As per claim 3, Mills et al. in view of Shulman et al. teach claim 2 as described above. Mills et al. further teach netting rule is selected based at least in part on a first issue and said agreement information (see column 3, lines 6-32).

11. Claims 4, 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al., U.S. Patent No. 7,024,386 (reference A in attached PTO-892) in view of McKeon, U.S. Patent No. 5,926,552 (reference C in attached PTO-892).

12. As per claims 4, 5, 6, 14 and 15, Mills et al. fails to teach database. However, McKeon does teach enter information recorded on the subscription agreement into database that is installed in a computer (col. 6, lines 25-40).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Mills et al. to include the step of McKeon. The motivation to combine these references is McKeon indicates something is put onto and settled via the database.

Mills et al. teach updating a net credit amount (see Fig. 9-12; column 12, lines 63-67 to column 13, lines 1-3).

13. As per claim 9, Mills et al. teach claim 6 as described above. Mills et al. further teach the method comprising

identifying netting agreement information associated with said at least first issue to evaluate (see column 3, line 6; where netting agreement evaluated by settlement date), and

wherein said at least first netting rule is associated with said at least first issue, said rule identified at least in part on said netting agreement information; and applying said at least first netting rule to said netting agreement information to arrive at a netting determination for said at least first issue (see column 3, lines 8-16).

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. Applicant is required under 37 CFR 1.111(c) to consider references fully when responding to this action. The following are pertinent to current invention, though not relied upon:

Cotton et al. (U.S. Patent No. 6,076,074) teach system and method for intraday netting payment finality.

Mills et al. (U.S. Pub No. 2002/0099641)) teach credit handling in an anonymous trading system.

Mosler et al. (U.S. Patent No. 6,304,858) teach method, system and computer program product for trading interest rate swaps.

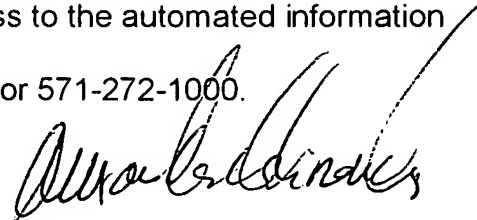
Shepherd (U.S. Patent No. 7,149,720) teaches system for exchanging an obligation.

Rosen et al. (U.S. Patent No. 5,774,553) teach foreign exchange transaction system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bijendra K. Shrestha/3691

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